



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Communications (May 25, 1994 through June 8, 1994)

**MEETING DATE:** June 15, 1994

**PREPARED BY:** City Clerk


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**RECOMMENDED ACTION:** Set Public Hearing for July 6, 1994 to consider the appeal of John Donati, 1217 Edgewood Drive, requesting to build a swimming pool over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi.

**BACKGROUND INFORMATION:** The City Clerk's office is in receipt of a letter (attached) of appeal from John Donati, 1217 Edgewood Drive, requesting to build a swimming pool over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi.

It is requested that the City Council set this matter for Public Hearing for July 6, 1994.

**FUNDING:** None required.

  
Jennifer M. Perrin  
City Clerk

JMP

Attachment

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

June 3, 1994

RECEIVED

JUN 7 PM 12:35

CLERK

Jennifer Perrin  
City Clerk - City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

SUBJECT: Construction Application #7066  
1217 Edgewood Dr., Lodi, California

In response to our conversation today, I will outline my request for encroachment permission into a Public Utility Easement (P.U.E.) located in my backyard and a "Hold Harmless" agreement with the City.

I am planning to build a swimming pool in my backyard. While the pool and its related equipment will not be located within the 8-foot P.U.E. along my rear property line, a planned deck/patio will encroach approximately 3 feet. In my discussion with the City's Engineering Dept. there are no short term or long term plans of changing or replacing utilities in this P.U.E.; repair would be the only work done.

I am aware of the possible consequences of extending into the P.U.E. and willing to enter into a "Hold Harmless" agreement. I am anxious to start the process with the City Attorney.

Jennifer, I do have two concerns about the process however. First, this seems like a simple matter, not worthy of the City Council's limited time. It seems to me they have more important items to attend to than my pool plans. Is it possible to free them up and deal directly with Public Works and/or the Attorney? Secondly, my wife works nights and we have two elementary age children. If I am required to go before the Council, I request to be heard early in the Agenda, so as to get the children home at a reasonable time. Any assistance in these items is much appreciated.

Thank you for your assistance thus far. If you need to contact me for any further information, I can be reached on 333-7466.



John D. Donati  
1217 Edgewood Dr.  
Lodi, Ca 95240

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

March 4, 1994

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

Mr. and Mrs. John Donati  
1217 Edgewood Drive  
Lodi, California 95240

SUBJECT: Construction Application #7066  
1217 Edgewood Drive, Lodi, California

Your construction application for the construction of a swimming pool has been reviewed by the Public Works Department for conformance with City off-site improvement and dedication requirements. This review is required by the Lodi City Municipal Code (Chapter 15.44) when the valuation of the proposed work exceeds \$25,000. The requirements are described on the attached sheet which has been forwarded to the Building Division for inclusion in your permit.

The **CONSTRUCTION REQUIREMENTS** and **FEES** sections will be handled by the Building Division in conjunction with the issuance of your Building Permit.

As stated in the memorandum, the pool equipment pad and all plumbing need to be located outside the existing Public Utility Easements (P.U.E.s) along the south and east property lines due to the presence of public water mains in these easements. On the advice of the City Attorney, the pool decking and steps which encroach into the 8-foot P.U.E. along the east property line also cannot be allowed without specific approval of the City Council. If you wish to appeal to the Council for approval, please contact the City Clerk at (209) 333-6702 for information regarding placing this item on a future Council agenda. If the encroachment is approved by the Council, a "Hold Harmless" agreement needs to be executed by all the owners and recorded in the County Recorder's office. The owners will be responsible for the recording fees. The purpose of the agreement is to set forth the owner's responsibilities regarding maintenance and removal of the encroaching structures and to hold the City harmless from any damage that may occur to the structures due to the use of the easement for installation, repair or maintenance of public facilities within the easement. If approved by Council, the agreement will be prepared without charge by City staff.

The decking encroachment issue needs to be settled prior to the issuance of your building permit. Please contact me at 333-6800 ext. 659 if you have any questions.



Sharon A. Welch  
Associate Civil Engineer

cc: Building Division  
City Attorney  
City Clerk  
Cato Pools

**MEMORANDUM, City of Lodi, Public Works Department**

**TO:** Chief Building Official  
**FROM:** Associate Civil Engineer - Development Services  
**DATE:** March 4, 1994  
**SUBJECT:** Construction Application #7066  
1217 Edgewood Drive, Lodi, California

**CONSTRUCTION REQUIREMENTS:**

Please add the following construction requirements to the Plans and the Building Permit for the subject project:

- Install a cleanout conforming to Standard Plan 201 on the sewer service.
- The equipment pad and all plumbing need to be located outside the 8' and 5' Public Utility Easements (P.U.E.s) along the south and east property lines, respectively. There are public water mains in both of these easements.
- The pool decking and steps extending approximately 3' into the 8' P.U.E. along the south property line also need to be moved outside the easement due to the presence of the underground facilities. The owners may appeal this item to the City Council. See Additional Items Section below.

The encroachments need to be eliminated or appealed to and approved by the City Council prior to the issuance of a building permit.

**FEES:**

Please collect the following Public Works fees at the time of issuance of the Building Permit:

- Water Service Charges for work by City: \$625.00 for water service upgrade (\$500) and installation of 3/4-inch water meter (\$125).

**ENCROACHMENT PERMIT:**

The following work requires an encroachment permit from the Public Works Department:

- See Additional Items Section below.

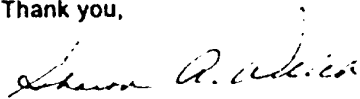
**ADDITIONAL ITEMS:**

The following additional items are required of the project and will be handled by the Public Works Dept.:

- The Public Works Department cannot issue an Encroachment Permit for the pool decking and steps without specific approval by the City Council and execution of a "Hold Harmless" agreement signed by the owners. The Agreement will have to be recorded and the owners will be responsible for payment of the recording fees. This issue needs to be resolved prior to the issuance of a building permit.

Please notify the Development Services Section when the fees are paid.

Thank you,



Sharon A. Welch  
Associate Civil Engineer

cc: City Attorney  
City Clerk  
Mr. & Mrs. John Donati  
Cato Pools



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: July 6, 1994

Time: 7:00 p.m.

For information regarding this notice please contact:

**Jennifer M. Perrin**

City Clerk

Telephone: (209) 333-6702

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Wednesday, July 6, 1994 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Appeal from John Donati, 1217 Edgewood Drive, requesting to build a swimming pool deck/patio over a Public Utility Easement and to enter into a Hold Harmless Agreement with the City of Lodi.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

Dated: June 15, 1994

Approved as to form:

  
Bobby W. McNatt  
City Attorney

DECLARATION OF MAILING

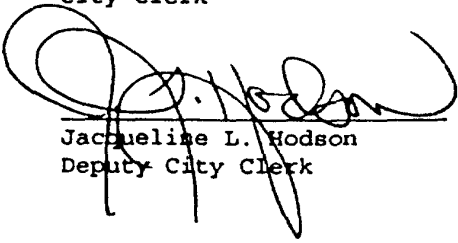
On June 16, 1994 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 1994, at Lodi, California.

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Jennifer M. Perrin  
City Clerk

  
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Jacqueline L. Hodson  
Deputy City Clerk

CITY OF LODI  
221 WEST PINE STREET  
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: Set Public Hearing for July 6, 1994 regarding appeal from John Donati, 1217 Edgewood Drive, requesting to build a swimming pool deck/patio over a Public Utility Basement and to enter into a Hold Harmless Agreement with the City of Lodi

PUBLISH DATE: SATURDAY, JUNE 18, 1994

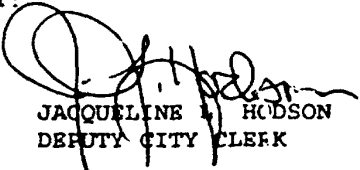
TEAR SHEETS WANTED: ONE

AFFIDAVIT AND BILL TO:

JENNIFER M. PERRIN, CITY CLERK

DATED: JUNE 16, 1994

ORDERED BY:

  
JACQUELINE L. HODSON  
DEPUTY CITY CLERK

ADVINS/TXTA.02J

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